

REMARKS

This is intended as a full and complete response to the Office Action dated September 16, 2005, having a shortened statutory period for response set to expire on December 16, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-12 remain pending in the application after entry of this response. Claims 1-11 are rejected by the Examiner. Reconsideration of the rejected claims is requested for reasons presented below.

Claims 1-4, 7, 9, and 10 stand rejected under 35 USC § 102(b) as being anticipated by *Upchurch* (U.S. 4,796,699). *Upchurch* does not teach, suggest, or disclose two pressure relief valves set to open at different pressures as recited in claims 1 and 7. Valves 44, 53, 65, and 76 of *Upchurch*'s system are solenoid valves which mean that they are electromagnetically actuated. Fluidly actuated valves are advantageous in downhole systems because they are more immune to the adverse conditions present therein. Therefore, claims 1 and 7 are patentable over *Upchurch*. Claims 2-4, 9 and 10 are also patentable over *Upchurch* since they depend from claims 1 and 7, respectively. New claim 12 is claim 5 redrafted in independent form.

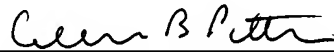
Claims 5, 6, 8, and 11 stand rejected under 35 USC § 103(a) as being unpatentable over *Upchurch* in view of *Kilgore* (6,651,749). Applicant respectfully traverses the rejection. There is no motivation to combine *Upchurch* and *Kilgore* and the two references teach away from one another. *Upchurch*'s primary teaching is a hydraulic system for use in two specialized circumstances: open hole wells and very deep (cased) wells. In open hole wells, a high pressure supplied from the surface could damage the formation and in deep wells a high pressure supplied from the surface could burst the casing. Thus, *Upchurch*'s system uses only the existing hydrostatic pressure in the well with the exception of low pressure mud pulses (less than 500 psi and instantaneous in duration) to communicate with the system. In contrast, *Kilgore* provides a boosted hydraulic system to overcome general safety limitations of 3,000 psi to 4,000 psi pressure supplied from the surface. While this may be low pressure in the context of *Kilgore*, it is several times the limit set by *Upchurch* to avoid formation/casing

damage. Further, *Kilgore* notes that the intensifier may cycle several times to achieve the desired pressure, meaning that it may be necessary to apply the surface pressure for a sustained period of time. Therefore, combination of the references is improper. Withdrawal of the rejection is respectfully requested.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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